

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

RANDAL WIIDEMAN,	)	CASE NO. 3:10-CV-0342-RCJ-RAM
	)	
Plaintiff(s),	)	MINUTES OF THE COURT
	)	
vs.	)	DATED: APRIL 27, 2011
	)	
RENEE BAKER,	)	
	)	
Defendant(s).	)	

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PRESENT: HONORABLE ROBERT A. McQUAID, JR., U.S. MAGISTRATE JUDGE  
Deputy Clerk: JENNIFER COTTER Reporter: FTR: 1:32:01 p.m. - 1:37:45 p.m.  
Counsel for Plaintiff(s): RANDAL WIIDEMAN, In Pro Per  
Counsel for Defendant(s): TIMOTHY ANDREWS

**PROCEEDINGS: TELEPHONIC HEARING RE MOTION TO STAY (Docket #26)**

1:32 p.m. Court convenes.

The Court notes for the record that Plaintiff has propounded discovery upon Defendants. The Court further notes that Defendants' Motion to Dismiss contains language setting forth the standards of law regarding motions to dismiss and motions for summary judgment. There are also documents attached to said motion which address issues outside the complaint. It appears to the Court that this motion should be treated as a motion for summary judgment, and discovery cannot be foreclosed by filing a motion for summary judgment prior to filing an answer.

The Court requests that this Motion to Dismiss / Motion for Summary Judgment (Docket #24) be WITHDRAWN and deemed REFILED as of today's date. Mr. Andrews agrees with said request.

IT IS ORDERED that the Motion to Stay is GRANTED to the extent that Defendant shall have thirty (30) days, or until **May 27, 2011**, to respond to Plaintiff's discovery requests which have already been served.

IT IS FURTHER ORDERED that Plaintiff shall until **July 8, 2011** to respond to the Motion to Dismiss / Motion for Summary Judgment (Docket #24).

1:37 p.m. Court adjourns.

LANCE S. WILSON, CLERK  
By: /s/

Deputy Clerk